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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,622	01/31/2002	Jyri Sintonen	NC25900	2427
30973	7590	12/09/2005	EXAMINER	
SCHEEF & STONE, L.L.P. 5956 SHERRY LANE SUITE 1400 DALLAS, TX 75225			TORRES, JUAN A	
			ART UNIT	PAPER NUMBER
			2631	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/062,622

Applicant(s)

SINTONEN, JYRI

Examiner

Juan A. Torres

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,2,4-13 and 15-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/30/2005 have been fully considered but they are not persuasive.

Regarding claim 9:

The Applicant contends, "the cited passages fail to teach or suggest a first filter output proportional to the magnitude of the interference signal when the interference signal is greater in magnitude than the target signal".

The Examiner disagrees and asserts, that, as indicated in the previous Office Action, Moriyama discloses digitally filtering the digital signal at a first interference attenuation factor to produce a first filter output proportional to the magnitude of the interference signal when the interference signal is greater in magnitude than the target signal (figure 3 block 12-3 column 2 lines 26-37 and column 6 lines 37-48). Textually Moriyama discloses "Assuming that there is an interfering wave which is larger by 60 dB than the desired wave in the adjacent channel and that the removal performance for the adjacent channel of the IF filter 101 is 20 dB, the detected electric fields in FIGS. 24A, 24B become those as shown in FIGS. 25A, 25B respectively by the influence of the interfering wave". FIGS. 25A and 25B shows very clear that the output is proportional to the magnitude of the interference signal when the interference signal is greater in magnitude than the target signal. The same thing happens when the target signal is greater in magnitude than the interference signal how it is shown in FIG. 26, the output

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is proportional to the magnitude of the target signal. For these reasons and the reasons indicated in the previous Office Action the rejection of claim 9 is maintained.

Regarding claims 1 and 12:

The Applicant contends, "the cited passages fail to teach or suggest a first filter output proportional to the magnitude of the interference signal when the interference signal is greater in magnitude than the target signal".

The Examiner disagrees and asserts, that, as indicated in the previous Office Action, Moriyama discloses digitally filtering the digital signal at a first interference attenuation factor to produce a first filter output proportional to the magnitude of the interference signal when the interference signal is greater in magnitude than the target signal (figure 3 block 12-3 column 2 lines 26-37 and column 6 lines 37-48). Textually Moriyama discloses "Assuming that there is an interfering wave which is larger by 60 dB than the desired wave in the adjacent channel and that the removal performance for the adjacent channel of the IF filter 101 is 20 dB, the detected electric fields in FIGS. 24A, 24B become those as shown in FIGS. 25A, 25B respectively by the influence of the interfering wave". FIGS. 25A and 25B shows very clear that the output is proportional to the magnitude of the interference signal when the interference signal is greater in magnitude than the target signal. The same thing happens when the target signal is greater in magnitude than the interference signal how it is shown in FIG. 26, the output is proportional to the magnitude of the target signal. For these reasons and the reasons indicated in the previous Office Action the rejection of claims 1 and 12 are maintained.

Regarding claims 2, 4-8, 13 and 15-20:

The Applicant contends, "Claims 2, 4-8,13 and 15-20 depend
Either directly or indirectly from respective ones of the independent claims.
Therefore, dependent claims 2, 4-8,13 and 15-20 are patentable for at least those
reasons given above for independent claims 1 and 12. "".

The Examiner disagrees and asserts, that, as indicated in the previous Office
action, because the rejections of claims 1 and 12 are maintained, the rejection of claims
2, 4-8,13 and 15-20 are also maintained. For these reasons and the reasons indicated
in the previous Office Action the rejection of claims 2, 4-8,13 and 15-20 are maintained.

Conclusion


Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Juan A. Torres whose telephone number is (571) 272-
3119. The examiner can normally be reached on Monday-Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone
number for the organization where this application or proceeding is assigned is 571-
273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Juan Alberto Torres
12-06-2005


KEVIN BURD
PRIMARY EXAMINER